IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 23414 of 2007(K)

PETITIONERS:

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1. VINOY PATHROSE,
KADAVUNKAL, AGED 47 YEARS, S/O. PATHROSE,
KADAVUNKAL HOUSE, VAZHITHALA P.O., THODUPUZHA,
IDUKKI DISTRICT.

2. REJI KURUVILLA, D/O. C.M.KURUVILLA,
AGED 41 YEARS, CHERIYIL VALIPAPARAMBIL HOUSE,
KOLANI P.O., THODUPUZHA, IDUKKI DISTRICT.

BY ADV. SRI.P.I.DAVIS

RESPONDENT:

MARRIAGE OFFICER &
SUB REGISTRAR, SUB REGISTRAR'S OFFICE,
THODUPUZHA, IDUKKI DISTRICT.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 23414 OF 2007 -

Dated this the 31st day of July, 2007

J U D G M E N T

The petitioners seek registration of their marriage under the Special Marriage Act waiving the statutory period of notice. According to the petitioners, the circumstances are identical to those in the decision reported in **John Lukose** v. **District Registrar** (2007(1) KLT 247). While admitting that in a later decision of another Division Bench, it has been held that this Court cannot waive the statutory notice period, the petitioner would submit that the impact of the decision of John Lukose's case (cited supra) has not been properly considered in that decision. Whatever that be, I am bound by the latest Division Bench decision which lays down that this Court cannot waive the statutory prescription. In fact, in John Lukose's case (cited supra), it has been made clear that that judgment is passed in the peculiar circumstances of the case. Therefore, I am not inclined to entertain this writ petition and accordingly, the same is

dismissed. However, the Marriage Officer shall register the marriage of the petitioners immediately on completion of 30 days of receipt of the notice, if all other conditions are satisfied.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007